In re Application of Ulrich Braun

Application No.: 09/890,113

Filed: January 7, 2002

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REMARKS

Attorney Docket No.: VOSS1170

Claims 1, 2, 5, 7-15, 17, 19 and 20 are pending in the present application, with claims 7-10, 17, 19, and 20 having been withdrawn from further consideration. By the present Communication, no claims have been added, canceled, or amended. Accordingly, upon entry of this paper, claims 1, 2, 5, and 11-15 will be under consideration.

Applicants respectfully direct the Examiner's attention to the Office Action mailed October 25, 2002, which appears to be identical to the currently outstanding Office Action, mailed March 5, 2007. Applicants note that numerous attempts to access the application on the Patent Application Information Retrieval (PAIR) system have resulted in an error message indicating that the instant application is unavailable. Accordingly, Applicants submit the following arguments in order to be fully responsive to the outstanding Office Action. To the extent that the mailing of the Office Action was in error, Applicants hereby request withdrawal of the Office Action mailed March 5, 2007, and that a new Office Action be mailed if the currently pending claims are not deemed to be allowable.

Objections to the Drawings

Applicants respectfully traverse the objection to the drawings as allegedly missing cross-hatching in Figures 1 and 2. Applicants respectfully submit that replacement drawings were filed on November 3, 2005 with the response to the Final Office Action. Accordingly, withdrawal of the objection is respectfully requested.

Objections to the Specification

Applicants respectfully traverse the objection to the specification as allegedly containing several informalities. Applicants respectfully submit that the specification was previously amended, rendering the objection moot. Accordingly, withdrawal of the objection is respectfully requested.

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Objections to the Claims

Applicants respectfully traverse the objection to claims 3-8 as allegedly being in improper form. Applicants respectfully submit that claims 3, 4 and 6 were previously canceled, rendering the objection moot as to those claims. Furthermore, claims 5, 7 and 8 were previously amended to correct the alleged improper form. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §112

Applicants respectfully traverse the rejection of claims 1, 2, 9 and 10 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully submit that claims 9 and 10 are currently withdrawn from further consideration as being directed to non-elected subject matter (see response to Restriction Requirement filed May 6, 2004), rendering the rejection moot as to those claims. Applicants further submit that claims 1 and 2 have been previously amended, and therefore comply with the enablement requirement. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §102

Applicants respectfully traverse the rejection of claims 1, 2, 9 and 10 under 35 U.S.C. §102(b), as allegedly being anticipated by Campbell. Applicants respectfully submit that claims 9 and 10 are currently withdrawn from further consideration as being directed to non-elected subject matter (see response to Restriction Requirement filed May 6, 2004), rendering the rejection moot as to those claims.

The Office Action alleges that Campbell discloses a device comprising a device for opening a urine outlet 7; a device for closing a urine outlet 7; and a feature 20, as claimed. Applicants respectfully submit that Campbell fails to disclose each and every element of the amended claims. Accordingly, withdrawal of the objection is respectfully requested.

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Conclusion

In summary, for the reasons set forth herein, Applicants submit that claims clearly and patentably define the invention and respectfully request that the Examiner withdraw all rejections and pass the application to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge \$510.00 as payment for the Petition for Three-Month Extension of Time fee to Deposit Account No. <u>07-1896</u>. Additionally, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. <u>07-1896</u>.

Respectfully submitted,

Attorney Docket No.: VOSS1170

Date: August 30, 2007

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